

COMMISSIONER OF POLITICAL PRACTICES
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CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME

James R. Olsen

COMPLETE MAILING ADDRESS

310 North 4th Street

Hamilton, MT 59840

TELEPHONE NUMBERS: WORK

406-363-5410

HOME 406-360-1915

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME

Jack Vallance and Anonymous Person that paid him

COMPLETE MAILING ADDRESS

Unknown address in Hamilton

TELEPHONE NUMBERS: WORK

HOME 406-363-0565 (maybe)

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF Beavert

I, James R. Olsen, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.



NOTARY PUBLIC-MONTANA

Residing at Hamilton, Montana

My Comm. Expires Nov. 1, 2009

[Signature]
Signature of Complainant

Subscribed and sworn to before me this 22nd day of

November, 2006.

Ellen F. Kudrinsk

Notary Public

My Commission Expires: 11-01-2009

**CAMPAIGN FINANCE AND PRACTICES
COMPLAINT FORM**

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STATEMENT OF FACTS:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

I observed an aircraft, which appeared to be a single engine propeller, fly over the city of Hamilton with a light-red board that displayed messages on its undercarriage. It showed a message related to an election to Recall Councilor Scott of the City of Hamilton. The message read, in part "recall" ... bully scott" or similar words. I watched the aircraft until it appeared to enter a final approach in the vicinity of the Hamilton Airport.

The message did not display any attribution, or "paid for by".

This is a violation of MCA 13-35-225 which forbids anonymous election materials in a communication advocating the success or defeat of a candidate to include attribution, unless the article is too small, in which case a copy shall be filed with the Commission. In this case, it appears that adequate "space" and capacity was available to disclose attribution (continued on attachment)

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR
VERIFICATION SIGNATURE**

COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED IN PERSON OR BY CERTIFIED MAIL

On Nov. 7, 2006, an article appeared in the Ravalli Republic newspaper in which Jack Vallance discloses that he was the pilot of the aircraft (owner) and was paid to advertise the message. The article is attached.

The law prohibiting anonymous advertising for a candidate appears to apply to both person implementing anonymous advertising and the person paying for anonymous advertising.

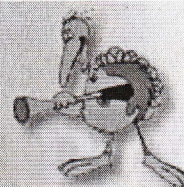
Note: I do not not know Jack Vallance,

There is one Jack Vallance in the local telephone book. The newspaper spelled "Valance" with one "l" and the phone book contains "Vallance" with two "l's". Thus, it is possible that the phone number supplied is for the wrong person.

Happy Thanksgiving

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TYPE & CLICK

Tuesday, November 07, 2006**FROM THE ARCHIVES****Campaigning complaints filed against Scott recall proponents
by PERRY PEARSON - Ravalli Republic**

A Hamilton man filed a complaint with the Montana Commissioner of Political Practices Friday and plans to file another Tuesday regarding potentially illegal political campaigning by supporters of the Bob Scott recall effort.

The recall of Scott for official misconduct has spawned a flurry of political campaigning on both sides of the debate on whether the first-term councilor should remain in office.

Residents in Ward 2, which is represented by Scott, are currently involved in a mail-in election that will last until Nov. 21. Recall organizers triggered the vote by gathering signatures of more than 20 percent of registered voters in Ward 2. In order to legitimize the recall effort they had to show that Scott either broke his oath of office or committed official misconduct. The recall organizers pointed to a false claim for gas mileage and use of a vehicle that Scott filed in 2004.

In the complaint, Jim Olsen took issue with a recent flier circulating in Ward 2. The flier, in giant letters, states "Recall Bob Scott." It then goes on to state several reasons why the councilor should be removed from office. On the flyer, it also states, "Paid for by Concerned Citizens of Ward Two who know the facts."

The group is not registered with the Montana Secretary of State's office as a political committee.

Olsen filed his complaint based on Montana law detailing that political advertising cannot be "anonymous."

That law states that virtually all political advertisements must clearly disclose the name and address of the person who made or financed the expenditure for the communication, including in the case of a political committee the name and address of the treasurer.

Olsen is also in the process of filing a complaint against whoever paid for an electronic billboard advertisement hanging underneath a plane that has circled Hamilton on recent nights. The billboard flashes "Recall Bully Scott - Help Our City."

Olsen, in an interview, said laws are being broken. "I don't think you should be anonymous," he said. "I think it is a good law and you should be a man or a woman and stand up for what you believe."

Olsen is the treasurer of a registered political action committee campaigning against Scott's recall.

He added, "The airplane, with its rolling lights on it, should say who paid for it at the end of the message. As far as I am concerned, both the pilot and the person who paid for it have violated Montana law."

Jack Valance, the pilot who owns the company that's flown the electronic billboard, said he does not believe he's broken the law.

"I don't think that covers me," he said. "I am getting paid to do this by people who slip me some money. It's a pretty effective way to advertise."

This is the first year Valance has used the electronic billboard but has flown banners behind his planes for more than 15 years in Montana and surrounding states. He said he has never had any complaints.



"I don't think I have any part of it," he said of the advertising. "I'm nonpartisan. I am just getting paid for it."

Dennis Unsworth, Montana Commissioner of Political Practices, has not seen either complaint yet but said he looks forward to seeing them soon.

As far as the electronic billboard, he said that is a bit of "a grey area" but should be regarded as political advertising under Montana law nonetheless.

"Any kind of campaign material needs to identify who is paying for it," he said. "That is one of the basic underlying premises of Montana law."

Violators of that law can be subjected to a fine up to three times the cost of the advertisement or campaign effort itself, he said. He added that his office has ways of finding the responsible parties.

"That is why we have investigators," he said.

Reporter Perry Pearson can be reached at 363-3300 or ppearson@ravallirepublic.com

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